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Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Colombia

1. At its 22nd meeting, on 12 October 2009, the Working Group on Children and Armed Conflict examined the report of the Secretary-General on children and armed conflict in Colombia (S/2009/434), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Vice-President of Colombia participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group were as follows:

(a) They welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and took note of the analysis and recommendations contained therein;

(b) They also welcomed the significant efforts and progress made by the Government of Colombia to address the recruitment and use of children in violation of applicable international law and other violations and abuses committed against children within its territory;

(c) They expressed concern regarding the number of child soldiers remaining in armed groups and the reports of new recruitments by illegal armed groups. They also expressed concern about forced displacement as a major consequence of the high levels of violence, noting that up to 50 per cent of all displaced persons were under the age of 18;

(d) They encouraged the Government of Colombia to further enhance its efforts to combat impunity for violations and abuses committed against children.

3. The Vice-President of Colombia:

(a) Stated that the Government of Colombia had assumed its primary responsibility for the protection of children through the implementation of integral policies and the strengthening of relevant institutions;

(b) Noted that national circumstances in Colombia were clearly different from other cases that had been examined by the Working Group. Therefore, his Government considered that a direct dialogue between the United Nations and non-State armed groups in Colombia could be established without risking the coherence and continuation of national processes. Furthermore, the formulation of action plans that did not take into account the context of the Colombian reality could prove inadequate;

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(c) Stated that all initiatives proposed within the framework of Security Council resolution 1612 (2005) should be properly channelled through the national authorities with the prior and express consent of the Government of Colombia;

(d) Expressed concern over the inclusion of "new illegal armed groups" in the Secretary-General's report on children and armed conflict in Colombia (S/2009/434) and stated that those types of groups should be outside the scope of the mechanism outlined by Security Council resolution 1612 (2005) owing to their non-military structure and criminal nature.

4. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005) and 1882 (2009), the Working Group agreed to the following direct action.

Public statement by the Chairman of the Working Group

5. The Working Group agreed to address a public statement to the parties to armed conflict in Colombia that have been listed in the annexes to the Secretary-General's annual report on children and armed conflict (A/64/742-S/2010/181), recalling that resolution 1612 (2005) does not seek to make any legal determination as to whether the situations referred to in the Secretary-General's reports are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in these situations:

(a) *Calling* their attention to the fact that the Security Council has received a report by the Secretary-General on children and armed conflict in Colombia (S/2009/434) detailing violations and abuses committed against children by them;

(b) *Expressing* its strong condemnation of all violations and abuses committed against children in contravention of applicable international law involving the recruitment and use of children, killing and maiming, rape and other sexual violence, abductions, attacks against schools and denial of humanitarian access;

(c) *Urging* them:

(i) To take immediate measures to ensure that children are not used in any military operation or any other violent action;

(ii) To end immediately rape and other sexual violence and killing and maiming of children;

(iii) To stop the use of anti-personnel landmines in violation of applicable international law and to remove unexploded ordnance, in order to avoid the killing and maiming of children as a result of their use;

(iv) To stop the continued rape and other forms of sexual violence, in particular against girls;

(v) To immediately release all abducted children, facilitate their return to their families and communities and take all necessary measures to put an end to and prevent abduction;

(vi) To cease attacks or threats of attacks in contravention of applicable international law against schools and educational facilities and to fully recognize and respect the civilian status of schools;

(vii) To ensure unhindered and safe access for the provision of humanitarian assistance and child protection;

(d) *Emphasizing* that the preparation and full implementation of action plans in line with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009), verified by the United Nations country task force on monitoring and reporting, is an important step for a party to conflict to take to be de-listed from the annexes to the report of the Secretary-General on children and armed conflict.

Recommendation to the Security Council

6. The Working Group agreed to recommend that the President of the Security Council transmit the following letters:

Letter from the Chairman of the Working Group transmitted by the President of the Security Council to the Government of Colombia

(a) *Welcoming*:

(i) The significant efforts and progress made to address the recruitment and use of children in contravention of applicable international law and other violations and abuses committed against children within its territory;

(ii) The adoption of the Justice and Peace Law and the policy of zero tolerance, as well as the creation of an Inter-Sectorial Commission for the prevention of recruitment and the use of children by armed groups, as well as the voluntary acceptance by the Government to establish a United Nations-led monitoring and reporting mechanism, and its cooperation with the United Nations;

(iii) The concrete steps taken to promote and protect the rights of children such as the ratification and implementation of international instruments like the Convention of the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

(iv) The creation of a National System for Family Welfare, as well as the establishment of a robust public policy framework for the inclusion of child rights in municipal and departmental development plans, including in the area of protection;

(b) *Acknowledging* its ratification and implementation of the Rome Statute of the International Criminal Court as an important step to promote justice and protect children in armed conflicts;

(c) *Urging* it:

(i) To consider implementing the recommendations made by the Committee on the Rights of the Child, the United Nations High Commissioner for Human Rights and States in the context of the universal periodic review and the special procedures established by the Human Rights Council related to children affected by armed conflict;

(ii) To continue communications with the Special Representative of the Secretary-General for Children and Armed Conflict, as agreed in previous exchanges with her, regarding dialogue for child protection purposes with the

parties to armed conflict in Colombia who have been listed in the annexes to the Secretary-General's annual report on children and armed conflict (A/64/742-S/2010/181), including with a view to facilitating the establishment of action plans by those parties;

(iii) To continue, in accordance with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009), to give full support to the monitoring and reporting mechanism in order to prevent and stop violations and abuses committed against children in contravention of applicable international law, involving the recruitment and use of children, killing and maiming, rape and other forms of sexual violence, as well as other violations and abuses committed against them;

(iv) To enhance the comprehensive national policy for the prevention of child recruitment, as well as specific programmes and strategies to stop the recruitment, use and abuse of children by armed groups and ensure their immediate transfer to civilian authorities when they are released;

(v) To continue strengthening institutional capacities, including training for police and military on child protection issues, and provide appropriate mechanisms for the effective family reunification and reintegration into society of children affected by armed conflict;

(vi) To ensure that the national armed forces comply fully with the prohibitions against the use of children for military activities including the gathering of intelligence;

(vii) To ensure that the debriefing of children disengaged from armed groups is conducted in accordance with international standards;

(viii) To ensure full compliance with the relevant Colombian legislation, including the Code on Children and Adolescents of 2006, regarding the participation of children in civil-military campaigns;

(ix) To continue to implement a comprehensive approach for the provision of assistance and the implementation of programmes for the prevention of displacement of populations, in particular children, with particular emphasis on its causes;

(x) To take further measures to prevent and investigate the forced disappearances and extrajudicial executions of children and to prosecute and punish those responsible appropriately;

(xi) To enhance efforts to combat impunity for violations or abuses committed against children and to pursue and bring to justice perpetrators, while providing effective protection of child witnesses and victims;

(xii) To continue taking measures in favour of child victims aimed at ensuring the adequate functioning of the existing reparation and reconciliation mechanism in order to ensure appropriate access to remedies, including through awareness-raising campaigns to encourage the use of this mechanism;

(xiii) To ensure that humanitarian demining programmes are in line with international mine action standards, that appropriate attention and assistance are afforded to child victims, and that mine-risk education programmes are in place;

(xiv) To continue to take appropriate measures aimed at ensuring the safety of witnesses in the framework of the functioning of the monitoring and reporting mechanism in the light of the criminal incident of 6 October 2009 involving information related to the mechanism, which may have consequences for the safety of witnesses.

Letter from the Chairman of the Working Group transmitted by the President of the Security Council to the Secretary-General

(a) *Urging* him:

(i) To continue communications with the Government of Colombia, as agreed in previous exchanges with it, regarding dialogue for child protection purposes with the parties to armed conflict in Colombia that have been listed in the annexes to the Secretary-General's annual report on children and armed conflict (A/64/742-S/2010/181), including with a view to facilitating the establishment of action plans by these parties;

(ii) To reiterate the need to safeguard information in order to secure adequate protection for witnesses in the framework of the MRM, and to convey to the United Nations country-level Task Force on Monitoring and Reporting the deep concern of the Working Group regarding the criminal incident of 6 October 2009 involving information related to the MRM;

(b) *Inviting* him to consider the strengthening of the efforts of the United Nations, in close cooperation with the Government of Colombia, to provide assistance to improve the implementation of rehabilitation and reintegration programmes as well as child protection and prevention programmes for children affected by armed conflict, with particular attention to health care and psychosocial care for child victims and to child victims of sexual violence.

Direct action by the Working Group

7. The Working Group agreed to address the following letter:

Letter from the Chairman of the Working Group to donors

Inviting them to provide support to national programmes and initiatives that enhance the protection of children and the prevention of all forms of violence against children, in particular the recruitment and use of children by armed groups listed in the annexes to the Secretary-General's annual report on children and armed conflict (A/64/742-S/2010/181), and also to support the initiatives of United Nations agencies and non-governmental organizations and other child protection agencies, including for more effective monitoring and advocacy, and other child protection programmes.